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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/061,636	02/01/2002	Richard Soltys	120109.404	1830

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EXAMINER

COBURN, CORBETT B

ART UNIT PAPER NUMBER

3714

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/061,636	Applicant(s) SOLTYS ET AL. <span style="float: right;">W</span>	
	Examiner Corbett B. Coburn	Art Unit 3714	

**-- Th MAILING DATE of this communication appears on th cover sheet with th correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 November 2004.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-5,7-13,16-27,35,36 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-5,7-13,16-27,35,36 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8 Nov 04</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2-5, 7-13, 18, 20-23, 25-27, 29, 31, 32, 35 & 39 are rejected under 35

U.S.C. 103(a) as being unpatentable over Karmarkar (US Patent Number 6,508,709) in view of Brenner et al (US Patent Number 5,830,068).

**Claims 2, 5, 7, 21, 29, 35, 39:** Karmarkar teaches a method of wagering, comprising:

receiving a primary wager from a primary player regarding an outcome of a gaming event and transmitting it to a host computer located in a secure area. (Fig 2) Karmarkar also teaches receiving a secondary wager from a secondary player regarding an outcome of the primary wager of the primary player and transmitting it to the host computing system. Karmarkar teaches that the remote player (i.e., secondary player) may bet either for or against the actual player (i.e., primary player) in a casino game. (Abstract) The secondary wager may be placed on a handheld wireless communications device. (Col 12, 57-59) Karmarkar teaches determining the outcome of the gaming event; determining the outcome of the primary wager at the host computer system based on the determined outcome of the gaming event; and determining the outcome of the secondary wager at the host computer system based on the determined outcome of the primary wager. (Abstract) The player bets either for or against the casino player. Thus the system must determine

outcome of the gaming event. Since the host computing system is the processor for making this determination, the determination must be made there. In casinos, the casino player's wager (the primary wager) is determined by the outcome of the casino (primary) game. Since the player bets for or against the primary player, the outcome of the secondary wager is based on the determined outcome of the primary wager. The host computing system is located in a secure area. (Fig 2) Karmarkar determines an amount to pay the secondary player if the secondary wager is successful. Karmarkar teaches sensors (camera, 70) at the gaming position for collecting raw gaming information.

Karmarkar does not teach automatically gathering statistics about a primary player that are based at least in part on the number of games previously won and lost; processing those statistics on the host computer to determine the win/loss percentage of the primary player and transmitting the statistics to the secondary player so that the secondary wager can be placed after viewing these statistics. Brenner, which also concerns betting on the performance of primary players (racers) by secondary players, teaches automatically gathering statistics about a primary player that are based at least in part on the number of games previously won and lost; processing those statistics on the host computer to determine the win/loss percentage of the primary player and transmitting the statistics to the secondary player so that the secondary wager can be placed after viewing these statistics. Brenner teaches that the player may request handicapping information prior to placing a secondary wager. (Fig 3) This handicapping information includes a win/start ratio. (Fig 5, 294) This is equivalent to the claimed win/loss percentage. The secondary player does not provide raw data to determine this

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ratio. It is well known that providing this information to players assists them in determining which primary player to back. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Brenner to gather statistics about a primary player that are based at least in part on the number of games previously won and lost; process those statistics on the host computer to determine the win/loss percentage of the primary player and transmit the statistics to the secondary player so that the secondary wager can be placed after viewing these statistics to assist the secondary player in determining which primary player to back.

**Claims 3, 22, 23:** Karmarkar teaches that the primary game may be an actual casino game. (Col 6, 11-15) In actual casino games, the casino determines the outcome of the gaming event; determines the outcome of the primary wager based on the determined outcome of the gaming event; pays winnings to the primary player if the outcome of the primary wager is successful; and collects the wager from the primary player if the outcome of the primary wager is unsuccessful.

**Claims 4, 25, 26:** Karmarkar teaches determining the outcome of the gaming event; determining the outcome of the primary wager based on the determined outcome of the gaming event; paying winnings to the primary player if the outcome of the primary wager is successful; collecting the wager from the primary player if the outcome of the primary wager is unsuccessful; determining the outcome of the secondary wager based on the determined outcome of the primary wager; paying winnings to the secondary player if the outcome of the secondary wager is successful; and collecting the wager from the secondary player if the outcome of the secondary wager is unsuccessful. (Figs 15 & 16)

**Claim 8:** Karmarkar teaches that the disclosure encompasses any game in which a player can bet “for or against”(Col 18, 40-48). This includes receiving a tertiary wager from a tertiary player regarding an outcome of the secondary wager of the secondary player. Since all wagers are determined by the host computer, these wagers would be transmitted to the host computer.

**Claim 9:** Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a gaming event site at which an occurrence of the gaming event takes place. Karmarkar teaches wagering in a casino on casino games. This is the gaming event site at which an occurrence of the gaming event takes place.

**Claim 10:** Karmarkar teaches the invention substantially as claimed but does not teach that receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a remote site, the remote site being remote with respect to a gaming event site at which an occurrence of the gaming event takes place. Brenner teaches a system for remote betting on horse races. This allows people from anywhere in the world to bet on horses running on many different tracks – thus greatly increasing the pool of potential players. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar in view of Brenner so that receiving a primary wager from a primary player regarding an outcome of a gaming event includes receiving at least one wagering piece from the primary wager at a remote site, the remote site being remote with respect to a gaming event site at which an occurrence of the gaming event takes place in order to

allow people to bet from anywhere in the world – thus greatly increasing the pool of potential players.

**Claim 11:** Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event, includes, receiving at least one wagering piece at a gaming table. (Fig 1A, 76)

**Claims 12:** Karmarkar teaches that the primary game may be a slot machine. (Col 9, 37-46) Thus Karmarkar teaches receiving a primary wager from a primary player regarding an outcome of a gaming event, includes, receiving at least one of cash and a wagering piece at a gaming machine. Slot machines automatically detect the receipt of a wagering piece prior to starting the game.

**Claim 13:** Karmarkar's Fig 5 shows receiving a secondary wager from a secondary player regarding an outcome of the primary wager of the primary player, includes receiving a communication from a remote site, the remote site being remote with respect to a site of an occurrence of the gaming event.

**Claim 20:** Karmarkar teaches receiving secondary wager information regarding a secondary wager placed by a secondary player regarding an outcome of the primary wager of the primary player, includes receiving a communications signal from an electronically operated communications device operated by the secondary player before an occurrence of the gaming event. (Wager Acceptor 106, Fig 1C)

**Claim 27, 31:** Karmarkar teaches determining the outcome of the primary wager based on the determined outcome of the gaming event; determining the outcome of the secondary wager based on the determined outcome of the primary wager; crediting

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winnings to a player account corresponding to the secondary player if the outcome of the secondary wager is successful; and debiting the player account in an amount of the wager if the outcome of the secondary wager is unsuccessful. (Figs 15 & 16)

3. Claims 16-19, 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar and Brenner as applied to claim 21, 35 above, and further in view of Lindquist (US Patent Number 6,532,297).

**Claims 16, 18, 19:** Karmarkar and Brenner teach the invention substantially as claimed, but fail to teach that receiving primary wager information regarding a primary or secondary wager placed by a primary or secondary player regarding an outcome of a gaming event, includes automatically detecting at least one wagering piece placed on a gaming table by the primary or secondary player before an occurrence of the gaming event. Lindquist teaches a gambling chip recognition system that automatically detecting at least one wagering piece placed on a gaming table by the player before an occurrence of the gaming event. (Abstract) This allows the casino to cut down on casino expenses by deleting the cost to encode the chips with readable information. (Col 2, 25-28) It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Karmarkar and Brenner in view of Lindquist to receive primary or secondary wager information regarding a primary wager placed by a primary or secondary player regarding an outcome of a gaming event, by automatically detecting at least one wagering piece placed on a gaming table by the primary or secondary player before an occurrence of the gaming event in order to cut down on casino expenses by deleting the cost to encode the chips with readable information. Since Lindquist's



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processor is not that disclosed in Karmarkar, the processor would by definition be remotely located from the secure host computing system.

**Claim 17:** Lindquist teaches a gambling chip recognition system that automatically images at least one wagering piece placed on a gaming table by the primary player before an occurrence of the gaming event.

**Claim 36:** Lindquist's chip recognition system includes an imager positioned to image at least one wagering piece on a gaming table

4. Claims 24, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Karmarkar and Brenner as applied to claim 21 or 29.

**Claims 24, 30:** Karmarkar and Brenner teach the invention substantially as claimed but do not explicitly teach crediting winnings to a player account corresponding to the primary player if the outcome of the primary wager is successful; and debiting the player account in an amount of the wager if the outcome of the primary wager is unsuccessful. Karmarkar teaches crediting winnings to a player account corresponding to the secondary player if the outcome of the secondary wager is successful; and debiting the player account in an amount of the wager if the outcome of the secondary wager is unsuccessful.

(Fig 15) It is virtually inconceivable that a casino would not go to the trouble and expense of setting up a player account system and not allow primary players to use it. Player accounts allow players to gamble without having to carry cash. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Karmarkar to credit winnings to a player account corresponding to the primary player if the outcome of the primary wager is successful; and debit the player account in an

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amount of the wager if the outcome of the primary wager is unsuccessful in order to allow primary players to gamble without having to carry cash.

*Response to Arguments*

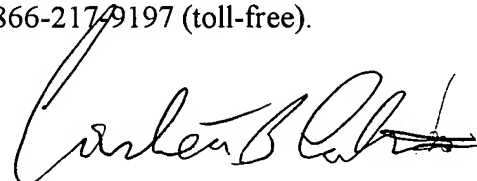
5. Applicant's arguments with respect to claims 2-5, 7-13, 16-27, 35, 36 & 39 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (571)272-4449. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-2179197 (toll-free).



Corbett B. Coburn  
Examiner  
Art Unit 3714